IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21439 of 2004

Between:

M.Brahmaiah, S/o Obulesh,

Mallikharjuna Swamy Temple, Srisailam, Kurnool District.

..... PETITIONER

AND

1. Sri Bramaramba Mallikharjuna Swamy Temple, Srisailam, Kurnool District.

2 The Commissioner of Endowments, Boggulakunta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not promoting the petitioner to the Post of Personal Assistant to Executive Officer (existing vacancy from 22.03.2004) as illegal, bad and violation of Principles of Natural Justice besides hit by bias and favoritism and violation of Article 14 and 16 of the Constitution of India and consequently direct the respondents to promote the petitioner to the post of Personal Assistant to Executive Officer w.e.f. 22.03.2004 and pass such other order or orders.

Counsel for the Petitioner:MR.N.GURU GOPAL

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21439 OF 2004

ORDER:

This writ petition is filed to issue a Writ of Mandamus declaring the action of the respondents in not promoting the petitioner to the post of Personal Assistant to Executive Officer in the existing vacancy as illegal and arbitrary and consequently direct the respondents to promote the petitioner to the said post.

The grievance of the petitioner is that though the post of Personal Assistant to Executive Officer was sanctioned, it was kept vacant. It is the case of the petitioner that he is eligible to the post of Personal Assistant to Executive Officer.

Learned counsel for the petitioner contended that the petitioner is eligible to hold the post of Personal Assistant to Executive Officer and therefore, sought for necessary direction to the respondents to appoint him in the post of Personal Assistant to Executive Officer.

Learned counsel appearing for the 1st respondent-Temple contended that the Executive Officer had already forwarded the recommendations to the Selection Committee to scrutinize and pass suitable orders as per proceedings dated 07.06.2004 and hence, the Regional Joint Commissioner, Endowments Department, Tirupathi Director has to take appropriate action.

There is no dispute about sanction of post of Personal Assistant to Executive Officer existing in the 1st respondent-Temple. A detailed letter had been addressed to the Regional Joint Commissioner by the Executive Officer of the 1st respondent-Temple by proceedings dated 07.06.2004. Pursuant to the

proceedings dated 07.06.2004, the Regional Joint Commissioner has to take decision to appoint the petitioner in the post of Personal Assistant to Executive Officer. Therefore, the second respondent is directed to issue necessary instructions to the Regional Joint Commissioner to consider the case of the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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24.11.2004

Note:CC in two days

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To

1. Sri Bramaramba Mallikharjuna Swamy Temple, Srisailam, Kurnool District.

2. The Commissioner of Endowments, Boggulakunta, Hyderabad.

3. Two CCs to G.P. for Endowments, High Court Buildings, High Court of A.P. Hyderabad (OUT).

4. Two CD copies